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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,235	02/18/2004	Brian D. Schneider	SCBP:101US	2365

7590 12/20/2004

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EXAMINER
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CHENEVERT, PAUL A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/781,235

Applicant(s)

SCHNEIDER, BRIAN D.

Examiner

Paul A. Chenevert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2004 06 14.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “hook and loop, male and female snap members, buttons and button holes, buckle and clamping member” of claim 7, “non-circular ring structure” of claim 11, “sliding buckle” of claims 14 & 15, “the open eyelet operable arranged to be closed” of claim 19, and the “carabiner, open and closeable C-hook, and open and closeable and rotatable J-hook” of claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities:
- a. Paragraph 24, line 12, “he” should be changed to “the”.
  - b. Paragraph 25, line 13, “at or” should be deleted.
  - c. Abstract, line 1, “means” should be changed to “a ratchet clamp”.
  - d. Abstract, line 3, “hub means” should be changed to “metal ring hubs”.
  - e. Abstract, line 6, “and the means for adjusting the length of an anchoring strap comprises a ratchet clamp” should be deleted.

Appropriate correction is required.

***Claim Objections***

4. Claims 5-7, 18, & 19 are objected to because of the following informalities:
- a. Claim 5, line 1, “an S-hook” should be changed to “a S-hook”.
  - b. Claim 7, line 1, “fastening means” should be changed to “securing means”.
  - c. Claim 18, line 2, “is” should be changed to “are”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-4, 8-12, 14-18, & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brewer.

Brewer discloses a device for securing cargo (cargo net 10) comprising: first (78A) and second (78B) anchoring straps; means (82A see column 3, line 53) for adjusting the length of the anchoring straps; cargo securing straps (156-166 & 178-186); hub means (22-30 & 104-110) wherein each hub means slideably secures an end of the anchoring straps and an end of at least two cargo straps. In regards to claims 2-4 & 20, the anchoring straps further comprise loop means (see Figures 4-6) adapted for slideably securing a J-hook fastening means (74) for securing the anchoring straps to a substrate (pallet P). In regards to claims 8-12, the hub means is either a circular (rings 22-110) or non-circular (deformed rings 62A-72A, see column 3, line 34) closed ringed structure fabricated from a hardened metal and wherein the anchoring straps and at least two cargo straps are adapted for slideable movement thereon. In regards to claims 14 & 15, the anchoring straps and cargo securing straps further comprise sliding buckles. In regards to claims 16-18, the cargo-securing straps are operatively arranged to traverse the sides of said cargo at a position proximate a topside of said cargo (156-162) and at a position at or above the center of gravity of said cargo (164-186).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 5, 6, & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer in view of Dew et al.

Brewer discloses a device for securing cargo comprising a J-hook (74) fastening means having one end (200) closed and one open end (204) operatively arranged to be closed (206).

However, Brewer does not expressly disclose that the fastening means could comprise a S-hook.

Dew et al. disclose a device for securing cargo (cargo restraining apparatus 10) comprising a S-hook (31) fastening means.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device for securing cargo of Brewer, to employ S-hooks, as taught by Dew et al.

The suggestion/motivation for doing so would have been to employ a variety of fastening means, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the device for securing cargo by combining S-hooks with the anchoring straps to obtain the invention as specified in claim 5, as taught by the prior references' motivation, and not hindsight from the applicants disclosure.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer in view of obvious common knowledge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the securing means from the group consisting of hook and loop, male and female snap members, buttons and button holes, buckle, and clamping member since

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the examiner takes Official Notice of the equivalence of the securing means and the J-hook for their use in the strap securing art and the selection of any of these known equivalents to secure would work equally well in the device of Brewer.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer in view of Dickerson.

Brewer discloses a device for securing cargo comprising a means for adjusting the length of the anchoring straps.

However, Brewer does not expressly disclose that the means for adjusting the length could be a ratchet clamp.

Dickerson discloses device for securing cargo (tie down device 10) employing a ratchet clamp (22).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device for securing cargo of Brewer, to employ a ratchet clamp, as taught by Dickerson.

The suggestion/motivation for doing so would have been to secure the cargo better, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a *prima facie* obvious modification of the device for securing cargo by combining ratchet clamps with the anchoring straps to obtain the invention as specified in claim 13, as taught by the prior references' motivation, and not hindsight from the applicants disclosure.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).

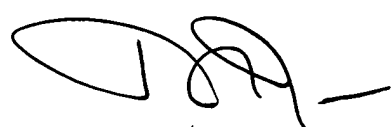
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert  
Examiner  
Art Unit 3612

PAC  
09DEC04

PAC

  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

12/13/07